

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MARIO SANDYNO ST. FORIN, et al.,

Petitioners,

v.

Case No: 8:23-cv-767-CEH-JSS

**UNITED STATES SMALL BUSINESS
ADMINISTRATION, et al.,**

Respondents.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Julie S. Sneed on July 19, 2023 (Doc. 6). All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed. Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is now

ORDERED AND ADJUDGED that:

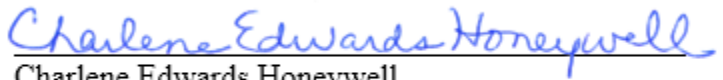
1. The Report and Recommendation (Doc. 6) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. Petitioner's Motion to Proceed in Forma Pauperis (Doc. 3) is **DENIED WITHOUT PREJUDICE**.

3. The Petition for Writ of Mandamus is dismissed without prejudice and with leave to file an amended complaint or petition that complies with the Federal Rules of Civil Procedure. *See Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001) (“Generally, where a more carefully drafted complaint might state a claim, a plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice.”) (internal quotation and citation omitted). The amended complaint or petition, if any, is due within 20 days of the date this Order.

4. Petitioners are directed to pay the required filing fee upon filing the amended complaint/petition, if any, or to file an updated Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) that specifically identifies each Petitioner’s debts, assets, obligations, and monthly expenses. If filing an amended application, each applicant shall not leave any blanks. If the answer to a question is “0,” “none,” or “not applicable (N/A),” the applicant shall write that response.

DONE and ORDERED in Tampa, Florida, this 7th day of August 2023.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record
United States Magistrate Judge
United States Marshal Service
United States Probation Office
United States Pretrial Services